

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION**

MDL No. 2738 (FLW) (LHG)

SPECIAL MASTER ORDER NO. 11

The Special Master (“SM”) having held a Zoom conference with counsel on short notice on September 16, 2021, to address the September 15, 2021 letter application of the University of California, San Francisco (“UCSF”); and counsel for UCSF having appeared; and the SM having issued its rulings on the record; and this Order intending to confirm the SM’s rulings; and for all the reasons stated on the record and for good cause shown;

IT IS HEREBY ORDERED this 17th day of September, 2021, as follows:

1. Plaintiffs and defendants shall meet and confer about a new deadline for Dr. Smith-Bindman to produce the documents listed in SM Order No. 10 and a new date for Dr. Smith-Bindman’s deposition. If an agreement is not reached by September 20, 2021, the SM shall be notified. If requested by any party, the revised dates will be incorporated into an Order to be entered.
2. All of Dr. Smith-Bindman’s documents to be produced pursuant to SM Order No. 10 shall be designated “ATTORNEY EYES ONLY” (“AEO”). The documents shall remain designated AEO until and unless the designation is reduced or stricken by an Order of the SM or the Court.

3. If, after Dr. Smith-Bindman's deposition, the parties agree that the produced documents were not "considered" by the witness in forming her opinions and conclusions, or are otherwise not discoverable, the documents shall be promptly returned to the witness with notice to UCSF. If the parties do not agree, plaintiffs are granted leave to file an application seeking return of the documents with notice to UCSF.

4. Oral argument on plaintiffs' Motion to Amend and the parties' dispute regarding plaintiffs' Federal Rule of Civil Procedure 30(b)(6) deposition notices will take place by Zoom on October 26, 2021 at 10:00 a.m. (EDT).

5. Plaintiffs shall serve UCSF with a copy of this Order.

Dated: September 17, 2021

By: /s/ Joel Schneider
SPECIAL MASTER
HON. JOEL SCHNEIDER (RET.)